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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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Phone 800-227-8917  
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**COPY**

Ref: 8EPR  
NL Industries, Inc.  
Mr. Harold C. Simmons CEO  
Three Lincoln Centre  
5430 LBJ Freeway  
Suite 1700  
Dallas, TX 75240-2697

Rc: Rico Argentine Mine – St. Louis Tunnel and Ponds in Rico, Colorado

Dear Mr. Simmons:

I am contacting you to make you aware of the effort underway by EPA to take necessary response actions to deal with the ongoing discharge associated with the Rico/Argentine Mine including the St. Louis Tunnel, and the settling ponds in Rico, Colorado (the Site). At this time, EPA is offering NL Industries the opportunity to negotiate an Administrative Order on Consent with EPA beginning on August 23, 2010. If NL Industries is not willing to begin negotiations by this date, EPA will consider its enforcement options and/or implement the actions independently as necessary.

Please contact Steven Way, EPA On-Scene Coordinator at 303-312-6723, or Sheldon Muller, EPA Attorney at 303-312-6916 by Thursday, August 12 indicating your interest of negotiating an order.

Sincerely,

A handwritten signature in black ink, appearing to read "David Ostrander", is written over the word "Sincerely,".

David Ostrander  
Program Director  
Preparedness Assessment and Response  
U.S. EPA Region 8

cc: Steve Way, EPA 8EPR-SA  
Amelia Piggott, EPA 8ENF-L  
Sheldon Muller, EPA 8ENF-L